



DOCKET NO: 241833US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
MASAMI TOMITA, ET AL. : EXAMINER:  
SERIAL NO: 10/645,804 : GROUP ART UNIT: 3749  
FILED: AUGUST 22, 2003 : CONFIRMATION NO: 7882  
FOR: TONER FOR :  
ELECTROPHOTOGRAPHY, DEVELOPER  
USING THE SAME, PROCESS  
CARTRIDGE USING THE SAME,  
IMAGE-FORMING APPARATUS USING  
THE SAME, AND IMAGE-FORMING  
PROCESS USING THE SAME

PETITION UNDER 37 C.F.R. § 1.53(e)

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Notice to File Missing Parts dated November 19, 2003, it is requested that the Office favorably consider Applicants' Petition in view of the following Comments and Attachments.

**Comments** in support of this Petition begin on page 2 of this paper.

**Attachment** enclosed herewith include:

Copy of the itemized filing receipt dated August 22, 2003.

## COMMENTS

### I. Summary and Request

In a Notice to File Missing Parts dated November 19, 2003, the Office stated that Figure(s) 2-12 "appear to have been omitted from the application." Applicants provide herewith evidence in the form of a date-stamped filing receipt that shows that Applicants filed 8 Drawing Sheets, and thus, all of the Figures described in the Specification. In view of the facts, it is believed that the Office misplaced the Figures in question. Therefore, it is requested the Office accept Applicants' replacement Figures 2-12, filed concurrently herewith. Moreover, it is requested that the Office GRANT this Petition so that Applicants' original filing date and application number, August 22, 2003, and 10/645,804, respectively, are maintained.

### II. Facts

Applicants filed the following items in the U.S. Patent and Trademark Office on August 22, 2003: (1) Specification (102 pages containing 25 claims); (2) 8 Drawing sheets which contained Figs. 1(a)-(c) and 2-12; (3) Application Data Sheet (4 pages); (4) Utility Patent Application Transmittal; (5) Request for Priority under 35 U.S.C. § 119(a)-(d); (6) Certified copies of 2 priority documents; (7) a check for \$1,138.00; (8) a Deposit Account Order Form; (9) a Fee Transmittal Form; and (10) a White Advance Serial Number Card. A copy of the date-stamped filing receipt is enclosed herewith, which comprises (i) the attorney docket number, (ii) the full name of the first inventor, (iii) the title of the invention, and (iv) a listing of items (1) – (10) that were filed on August 22, 2003.

Applicants' representative received a Notice to File Missing Parts dated November 19, 2003, which stated that the "oath or declaration is missing," and that "Figure(s) 2-12 described in the specification... appear to have been omitted from the application."

An inspection of the application file contents and the evidence of record shows conclusively that Applicants filed the Figures in question with the remainder of the application on August 22, 2003.

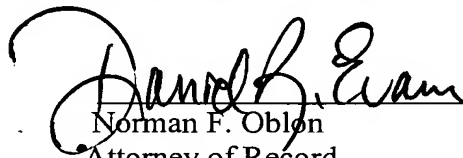
### III. Conclusion

Given the fact that Applicants filed an application that contained all figures described in the specification, as evidenced by a copy of the date-stamped filing receipt, it must be concluded that the Office misplaced Figures 2-12. In view of this conclusion, it is requested that the Office accept Applicants' replacement Figures 2-12, which are filed concurrently herewith.

In addition to a copy of the date-stamped filing receipt and the replacement figures, Applicants have enclosed a check for the amount prescribed in 37 CFR 1.17(h). In the event that the amount of the check is in variance for the amount due for consideration of this Petition, the Office is hereby authorized to charge Applicants' representatives' Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
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OSMM&N File No. 241833US0

Dept.: PP/JF

By: NFO/scm

Serial No. New Application

In the matter of the Application of: Masami TOMITA, et al.

For: TONER FOR ELECTROPHOTOGRAPHY, DEVELOPER USING THE SAME, PROCESS CARTRIDGE USING THE SAME, IMAGE-FORMING APPARATUS USING THE SAME, AND IMAGE-FORMING PROCESS USING THE SAME

Due Date: 08/26/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

- 102 pp. Specification 25 Claims/Drawings 8 Sheets and 4 Pages Application Data Sheet
- Utility Patent Application Transmittal
- Request for Priority
- Check for \$1,138.00
- Fee Transmittal Form
- White Advance Serial Number Card
- Priority Doc 2
- Dep. Acct. Order Form

